

## CHAPTER 2004-263

### Committee Substitute for Senate Bill No. 2564

An act relating to shared county and state responsibility for juvenile detention; creating s. 985.2155, F.S.; providing that it is the policy of the state that the state and counties have a joint obligation to financially support the detention care provided for juveniles; providing definitions; requiring that a county pay the costs of the Department of Juvenile Justice in providing detention care to juveniles unless the county is a fiscally constrained county; requiring the department to develop a methodology for determining the amount to be paid by such counties; providing a payment process; requiring the Chief Financial Officer to withhold funds if a county fails to remit the required amount to the Department of Juvenile Justice; requiring the department to negotiate for payment from other states for costs incurred by juveniles who reside out of state; requiring the department to pay the detention costs for juveniles who do not have a state of residence; exempting funds received by the department in payment of the detention expenses of juveniles from certain service charges; authorizing the Department of Juvenile Justice to adopt rules; providing that the act fulfills an important state interest; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 985.2155, Florida Statutes, is created to read:

985.2155 Shared county and state responsibility for juvenile detention.—

(1) It is the policy of this state that the state and the counties have a joint obligation, as provided in this section, to contribute to the financial support of the detention care provided for juveniles.

(2) As used in this section, the term:

(a) "Detention care" means secure detention.

(b) "Fiscally constrained county" means a county designated as a rural area of critical economic concern under s. 288.0656 for which the value of a mill in the county is no more than \$3 million, based on the property valuations and tax data annually published by the Department of Revenue under s. 195.052.

(3) Each county or the state shall pay the costs incurred by the county in providing detention care for juveniles for the period of time prior to final court disposition. The department shall develop an accounts payable system to allocate costs that are payable by the counties.

(4) Notwithstanding subsection (3), the state shall pay all costs of detention care for juveniles for which a fiscally constrained county would otherwise be billed.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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(a) By October 1, 2004, the department shall develop a methodology for determining the amount of each fiscally constrained county's costs of detention care for juveniles, for the period of time prior to final court disposition, which must be paid by the state. At a minimum, this methodology must consider the difference between the amount appropriated to the department for offsetting the costs associated with the assignment of juvenile pretrial detention expenses to the fiscally constrained county and the total estimated costs to the fiscally constrained county, for the fiscal year, of detention care for juveniles for the period of time prior to final court disposition.

(b) Subject to legislative appropriation and based on the methodology developed under paragraph (a), the department shall provide funding to offset the costs to fiscally constrained counties of detention care for juveniles for the period of time prior to final court disposition. If county matching funds are required by the department to eliminate the difference calculated under paragraph (a) or the difference between the actual costs of the fiscally constrained counties and the amount appropriated in small county grants for use in mitigating such costs, that match amount must be allocated proportionately among all fiscally constrained counties.

(5) Each county shall incorporate into its annual county budget sufficient funds to pay its costs of detention care for juveniles who reside in that county for the period of time prior to final court disposition. This amount shall be based upon the prior use of secure detention for juveniles who are residents of that county, as calculated by the department. Each county shall pay the estimated costs at the beginning of each month. Any difference between the estimated costs and actual costs shall be reconciled at the end of the state fiscal year.

(6) Each county shall pay to the department for deposit into the Juvenile Justice Grants and Donations Trust Fund its share of the county's total costs for juvenile detention, based upon calculations published by the department with input from the counties.

(7) The Department of Juvenile Justice shall determine each quarter whether the counties of this state are remitting to the department their share of the costs of detention as required by this section. If the Department of Juvenile Justice determines that any county is remitting less than the amount required, the Chief Financial Officer shall withhold from such county a portion of any state funds to which the county may be entitled equal to the difference of the amount remitted and the amount required to be remitted.

(8) The Department of Revenue and the counties shall provide technical assistance as necessary to the Department of Juvenile Justice in order to develop the most cost-effective means of collection.

(9)(a) For juveniles who reside in other states, the department shall negotiate with those states for the payment of the costs of detention care for the period of time prior to the final court disposition.

(b) For juveniles for whom no state of residence is established, the department shall pay from state funds the costs of detention care for the period of time prior to final disposition.

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(10) Funds received from counties and from other states pursuant to this section are not subject to the service charges provided in s. 215.20.

(11) The department may adopt rules to administer this section.

Section 2. The Legislature determines and declares that this act fulfills an important state interest.

Section 3. This act shall take effect October 1, 2004.

Approved by the Governor May 28, 2004.

Filed in Office Secretary of State May 28, 2004.